PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, SEPTEMBER 12, 1978

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council Chambers Tuesday evening September 12 A.D., 19 78, in Regular Session. President Samuel J. Talarico in the chair, and Charles W. Westerman Clerk, at the desk, present the following members viz:

BURNS ✓, HINGA ✓, HUNTER ✓,
MOSES ✓, NUCKOLS ✓, DONALD SCHMIDT ✓,
VIVIAN SCHMIDT ✓, STIER ✓, TALARICO ✓,
ABSENT
COUNCILMAN , , ,
, , ,

The invocation was given by

Received report from the City Controller for the month of , 19 . Motion made and carried that report be made a matter of record and placed on file.

The minutes of the last Regular August 8 & 22, 19 78,
, 19 ,
Special , 19 ,
Session having been delivered to the Council, were, on motion, approved and published.

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

August 24, 1978

To the Common Council
Gentlemen and Mrs. Schmidt:

Today, August 24, 1978, I have approved the following ordinances passed by Common Council at its regular meeting on August 22, 1978.

(Bill No. A-78-08-02)
APPROPRIATION ORDINANCE NO. A-24-78

AN ORDINANCE appropriating additional funds in the General Fund to specific accounts of the Department of Redevelopment, and correcting an error resulting from an omission in newspapers publications

(Bill No. S-78-08-04)
SPECIAL ORDINANCE NO. S-128-78

AN ORDINANCE approving an Agreement with Bus Huts, Inc., for construction of Bus Stop Shelters

(Bill No. S-78-08-05)
SPECIAL ORDINANCE NO. S-129-78

AN ORDINANCE approving a certain bid document for purchase of one 1979 Plymouth Volare for Community Development and Planning

(Bill No. S-78-08-06)
SPECIAL ORDINANCE NO. S-130-78

AN ORDINANCE approving a certain bid document for purchase of one 1979 Trail Duster for the Board of Public Safety's Traffic Engineering Dept.

(Bill No. S-78-08-07)
SPECIAL ORDINANCE NO. S-131-78

AN ORDINANCE approving Change Order No. G-4, in connection with restoration of Old City Hall

(Bill No. Z-78-06-12)
ZONING MAP ORDINANCE NO. Z-18-78

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. 0-6

(Bill No. Z-78-06-31)
ZONING MAP ORDINANCE NO. Z-19-78

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. 0-6

(Bill No. S-78-08-13)
SPECIAL ORDINANCE NO. S-132-78

AN ORDINANCE approving a contract for Street Improvement Resolution No. 5807-1978, between the City of Fort Wayne, Indiana and Dailey Asphalt Products Co., Inc. for resurfacing and restoring pavements

(Bill No. S-78-08-14)
SPECIAL ORDINANCE NO. S-133-78

AN ORDINANCE approving a contract for Street Improvement Resolution No. 5806-1978, between the City of Fort Wayne, Indiana and Hipskind Asphalt Corporation for resurfacing and restoring pavement

(Bill No. S-78-08-15)
SPECIAL ORDINANCE NO. S-134-78

AN ORDINANCE approving a contract for Curb & Sidewalk Improvement Resolution No. 5796-1978, between the City of Fort Wayne, Indiana and Brooks Construction Company, Inc., for curbs and sidewalks on the "Landing"

(Bill No. S-78-08-16)
SPECIAL ORDINANCE NO. S-135-78

AN ORDINANCE approving Change Order No. 1, in connection with "The Landing" Project.

(Bill No. S-78-08-17)
SPECIAL ORDINANCE NO. S-136-78

AN ORDINANCE approving a contract for Curb and Sidewalk Improvement Resolution No. 5801-1978, between the City of Fort Wayne, Indiana and Hipskind Asphalt Corporation for construction of Sidewalks in the East Central Community Association Impact Area

(Bill No. S-78-08-18)
SPECIAL ORDINANCE NO. S-137-78

AN ORDINANCE approving a contract for Curb and Sidewalk Improvement Resolution No. 5802-1978, between the City of Fort Wayne, Indiana, and Hipskind Asphalt Corporation, for construction of curbs and sidewalks in the Nebraska Area Phase III

(Bill No. S-78-08-19)
SPECIAL ORDINANCE NO. S-138-78

AN ORDINANCE approving a contract for Street Improvement Resolution No. 5803-1978, between the City of Fort Wayne, Indiana, and L. W. Dailey, Inc., for concrete pavement at 3704 & 3710 Vance Avenue

(Bill No. S-78-08-20)
SPECIAL ORDINANCE NO. S-139-78

AN ORDINANCE approving Change Order No. 1, in connection with Sidewalk Improvement Resolution No. 5770-1977

(Bill No. S-78-08-21)
SPECIAL ORDINANCE NO. S-140-78

AN ORDINANCE approving a contract for Street Improvement Resolution No. 5805-1978, between the City of Fort Wayne, Indiana and Dailey Asphalt Products Co., Inc. for resurfacing and restoring pavement

(Bill No. S-78-08-22)
SPECIAL ORDINANCE NO. S-141-78

AN ORDINANCE approving City Utilities Purchase Order No. 0175 with Northway Leasing Company for a vehicle for the Water Maintenance & Service Department

(Bill No. S-78-08-23)
SPECIAL ORDINANCE NO. S-142-78

AN ORDINANCE approving City Utilities Blanket Purchase Order Nos. B-0152 with Gladieux Refinery, Inc., and B-0152 with Industrial Fuel Oils, Inc. & Civil City Blanket Purchase Order No. B4-02855 with Gladieux Refinery, Inc. for fuel oil and diesel fuel for various departments

(Bill No. S-78-08-24)
SPECIAL ORDINANCE NO. S-143-78

AN ORDINANCE approving City Utilities Purchase Order No. 0180 with International Harvester Co., for a vehicle for the Water Pollution Control Plant

(Bill No. S-78-08-25)
SPECIAL ORDINANCE NO. S-144-78

AN ORDINANCE approving City Utilities Purchase Order No. 0179 with Scherer & Maxfield Inc., for a vehicle for the Water Pollution Control Plant

(Bill No. S-78-08-26)
SPECIAL ORDINANCE NO. S-145-78

AN ORDINANCE approving City Utilities Purchase Order Nos. 0184 with International Harvester Co., No. 0185 with Allen County Motors and No. 0186 with The Truck Engineering Company for vehicles for the Water Pollution Control Maintenance Department

(Bill No. S-78-08-27)
SPECIAL ORDINANCE NO. S-146-78

AN ORDINANCE approving City Utilities Purchase Order No. 0183 with Hefner Chevrolet, Inc. for a vehicle for the Street Lighting Department

(Bill No. S-78-08-28)
SPECIAL ORDINANCE NO. S-147-78

AN ORDINANCE approving Change Order No. 21, in connection with the Water Quality Control Project - Division I of Water Pollution Control Plant Addition

Respectfully yours,

Robert E. Armstrong
Mayor

9-12-78 DATE MADE A MATTER OF RECORD CHARLES W. WESTERMAN, CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

September 12, 1978

Dear Common Council Members:

On Tuesday, September 5, 1978, in Committee Session of the Common Council, First District Councilman John Nuckols made a motion which was seconded by Councilman Bill Hinga, that Reverend James Bledsoe fill the unexpired term of James Breedlove, member of the Fire Merit Board. Said Fire Merit Board vacancy is a Council appointment. I will therefore notify the Mayor of the City of Fort Wayne and have the Reverend James Bledsoe take the oath of office within 10 days after this communication is made a matter of record.

Respectfully,

Charles W. Westerman

Charles W. Westerman
Clerk of the City of Fort Wayne

9/12/78 MADE A MATTER OF RECORD
DATE_____CHARLES W. WESTERMAN, CITY CLERK

AN EQUAL OPPORTUNITY EMPLOYER

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

community development & planning

30 August 1978

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-78-07-19

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
30th day of August, 1978.

Luben Lazoff

Luben Lazoff, Secretary

9-12-78
DATE

MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

community development & planning

30 August 1978

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon the City Plan Commission at their regular meeting held August 28, 1978. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-78-07-19

2. From "RA" to "B1B"

3. Intended Use: Service Station

4. Plan Commission Recommendation: DO NOT PASS

   This ordinance received a DO NOT PASS recommendation for the following reason:

   a. The City and County road improvement project for St. Joe Road requires the acquisition of approximately 60% of this particular corner.

If there are any questions with regard to this ordinance please feel free to call on use.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING
Division of Long Range Planning & Zoning

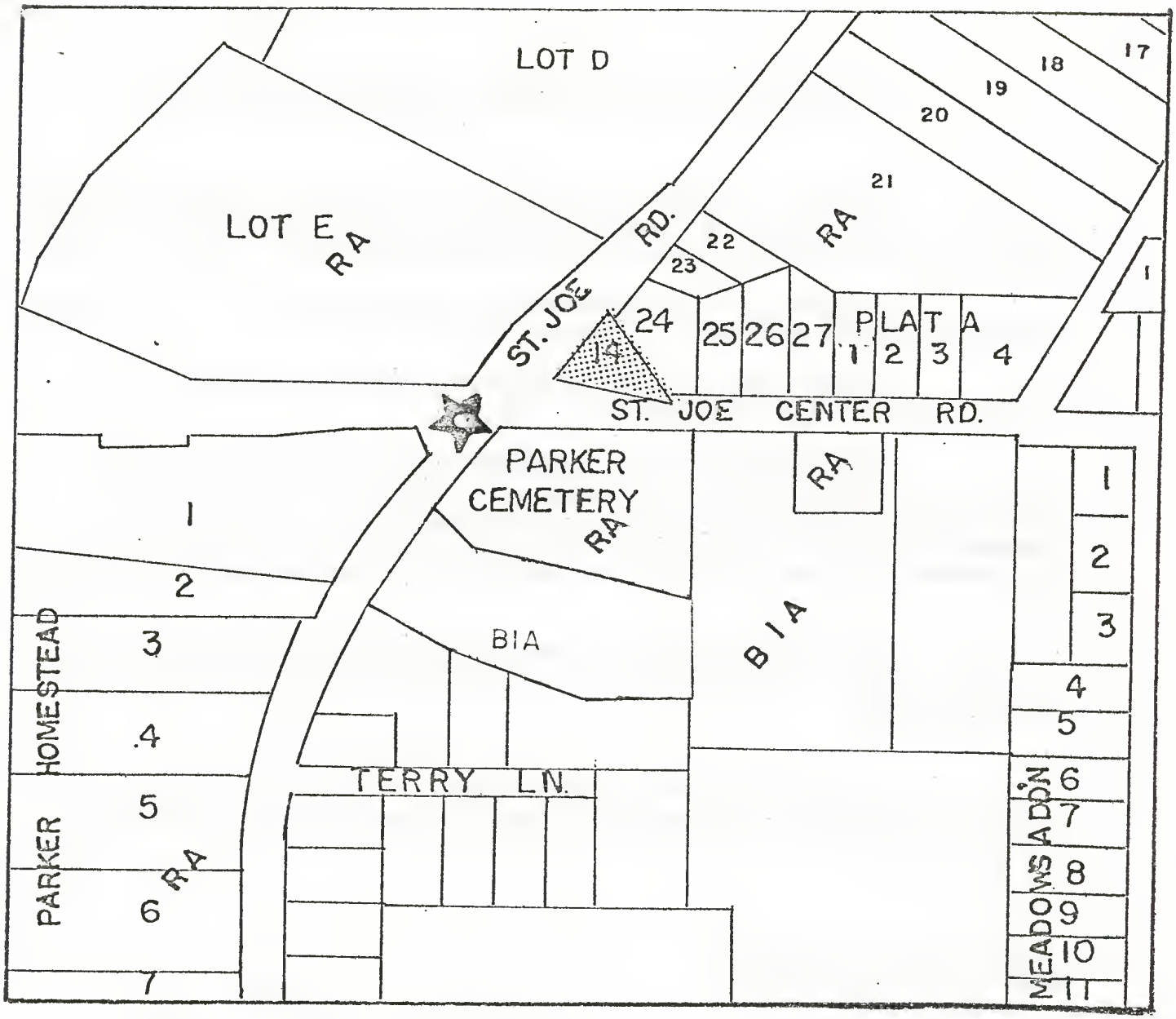
Gary F. Baeten

Gary F. Baeten
Senior Planner

GFB:pb

Attachments

AN EQUAL OPPORTUNITY EMPLOYER



TO REZONE FROM RA TO BIB

Z-78-07-19

Map No. F-17
Map Drawn
By: M.C. 6-23-78

N

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 25, 1978 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-78-07-19; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 21, 1978;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 28, 1978.

Certified and signed this
30th day of August, 1978.

Luben Lazoff

Luben Lazoff
Secretary

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

5 September 1978

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-78-07-17

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
5th day of September 1978.

Luben Lazoff
Secretary

MADE A MATTER OF RECORD
DATE _____ CHARLES W. WESTERMAN, CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

5 September 1978

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held August 28, 1978. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-78-07-17

2. From "RA" to "M1"

3. Intended Use: Expansion of Centennial Park

4. Plan Commission Recommendation: DO PASS

   This ordinance received a DO PASS recommendation for the following reason:

   The original Ordinance (Bill No. Z-78-04-24) which was heard by the Plan Commission and given a "DO PASS" recommendation contained the description of Lots 9, 10, & 11 in Woodlawn Addition. Apparently, through a scrivener's error, Lots 10 & 11 were left out of the Ordinance as it was submitted to the Common Council. The new Ordinance is submitted for the purpose of correcting the original scrivener's error and to effect the rezoning of all three of the lots pursuant to the recommendation of the City Plan Commission.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING
Division of Long Range Planning & Zoning

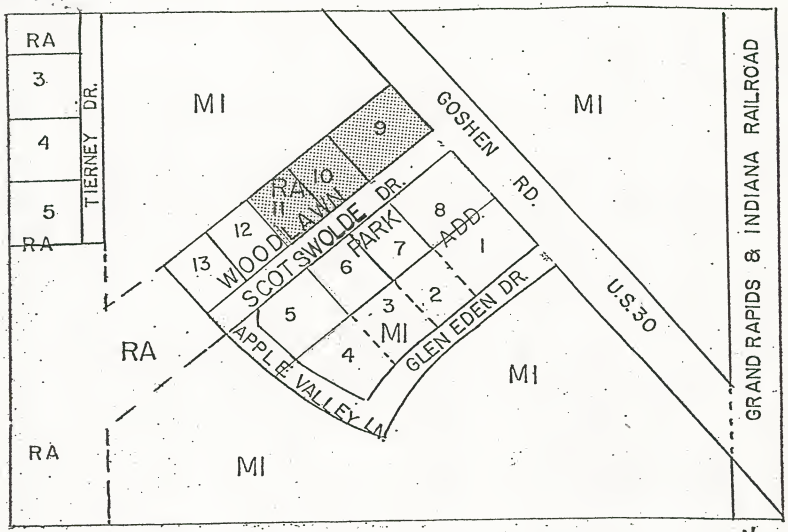
Gary F. Baeten pb

Gary F. Baeten
Senior Planner

GFB:pb

Attachments

AN EQUAL OPPORTUNITY EMPLOYER



REZONE FROM RA TO MI

MAP NO DD 13

Z-78-04-24 + Z-78-07-17

BY M.F.C. 3-31-78

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 25, 1978, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-78-07-17; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 15, 1978;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 28, 1978.

Certified and signed this
5th day of September 1978.

Luben Lazoff

Luben Lazoff
Secretary

MADE A MATTER OF RECORD
DATE 9-12-78 CHARLES W. WESTERMAN, CITY CLERK

President of the Common Council

City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Number: 44/78/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolution a matter of record and incorporate it into the minutes of the next Common Council Meeting.

Respectfully submitted,

Terry Coonan

Terry Coonan, Chairman
Board of Public Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 44/78/ F)

I hereby certify that I did this 24th day of August, 19 78 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 44/78/ F of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman ~~Secretary~~ of said Board, in accordance with the provisions of Section 7-4(a) of Chapter 17, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55, adopted FEB. 14, 1961.

Jerry Coonan

CHAIRMAN
~~CHAIRMAN~~ ~~SECRETARY~~

REGULATORY RESOLUTION NO. 44/78/E

(Adopted August 24, 19 78)

WHEREAS, Section 7-4(a) (3), Chapter 17, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REGULATORY RESOLUTION 32/78/E: ONE WAY STREET (EMERGENCY); and,

WHEREAS, the City Traffic Engineer has, by written memorandun dated August 23, 19 78, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 7-4 (a) (3) of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55 adopted FEB. 14, 1961. to make experimental regulations to cover special conditions, it is hereby ordered, effective August 24, 19 78 and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

ONE WAY STREET (EMERGENCY)

Webster St. -- northbound -- from Pontiac St. to Woodland Ave.

9 12 18

MADE A MATTER OF RECORD
DATE _____ CHARLES W. WESTERMAN,

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers: 45/78/D
46/78/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully submitted,

Terry Coonan

Terry Coonan, Chairman
Board of Public Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 45/78/D 46/78/E)

I hereby certify that I did this 30th day of August, 1978 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 45/78/D 46/78/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as ~~Secretary~~ Chairman of said Board, in accordance with the provisions of Section 17-4 (a) of Chapter 17, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55, adopted FEB. 14, 1961.

Jerry Cooman

~~EXECUTIVE SECRETARY~~ CHAIRMAN

REGULATORY RESOLUTION NO. 45/78/D

(Adopted August 29, 1978)

WHEREAS, Section 17-4(a)(2), Chapter 17 Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961, authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 14 121 of said chapter as so amended delegates to this Board authority to 14 DELETE: PREFERENTIAL INTERSECTION (DELEGATED) & 121 NO PARKING (DELEGATED)

; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated August 28, 1978, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this Board by Section 14 121 of Chapter 17, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55 adopted FEB. 14. 1961. it is hereby ordered, effective August 29, 1978, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

DELETE:

PREFERENTIAL INTERSECTION (DELEGATED)

Swinney Ave. -- preferential -- at Thompson Ave.

NO PARKING (DELEGATED)

West Sherwood Terrace -- north side -- from Fairfield Ave. to 150 feet east thereof.

REGULATORY RESOLUTION NO. 46/78/E

(Adopted August 29, 19 78.)

WHEREAS, Section 17-4(a) (3), Chapter 17, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to STOP INTERSECTION (EMERGENCY)

; and,

WHEREAS, the City Traffic Engineer has, by written memorandun dated August 28, 19 78, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4(a) (3) of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14. 1961. to make experimental regulations to cover special conditions, it is hereby ordered, effective August 29, 19 78 and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Thompson AVe. -- stop -- for Swinney Ave.

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 12th day of September, 1978 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 15th day of September, 1978.

Charles W. Westerman

Charles W. Westerman
City Clerk

BILL NO. S-78-05-14 (AS AMENDED) (AS AMENDED) (AS AMENDED)

SPECIAL ORDINANCE NO. S-156-78

AN ORDINANCE TO PROVIDE FOR COLLECTIVE BARGAINING, AND THE ARBITRATION OF DISPUTES WITH RESPECT TO POLICE OFFICERS AND FIREFIGHTERS OF THE CITY OF FORT WAYNE, INDIANA

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. This Ordinance may be cited and referred to as the Police Officers' and Firefighters' Arbitration Ordinance.

SECTION 2. It is hereby declared to be the public policy of the City of Fort Wayne, Indiana;

1. That the City should recognize each labor organization as selected by the majority police officers in an appropriate unit, and as selected by the majority of firefighters in an appropriate unit, and that such organizations should have the right to bargain collectively in their respective members' behalf.

2. That a reasonable, fair and equitable method of settling disputes between police officers or firefighters and the City should be established in the public interest.

3. That in the protection of the public health, safety and welfare of the citizens of Fort Wayne, Indiana, police officers in the Police Department and firefighters in the Fire Department thereof should not, and will not, be accorded the right to strike. A strike will constitute a violation of this ordinance.

SECTION 3. As used in this Ordinance, the following terms shall have the following meanings, unless the context requires a different interpretation:

1. The term "Police Officers" shall mean the permanent members of the Fort Wayne Police Department in an appropriate bargaining unit.

2. The term "Fire Fighters" shall mean the permanent members of the Fort Wayne Fire Department in an appropriate bargaining unit.

3. The term "factors" shall mean wages, hours of employment fringe benefits and working conditions.

4. The term "City" shall mean the City of Fort Wayne and those officially designated person (s) by the Mayor, who shall act on behalf of the City on all factors.

5. The term "Supervisor" means a police officer having the authority in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other police officers, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

6. The term "bargaining unit" or "unit" shall apply to:

a. The group composed exclusively of non-supervisory police officers;

b. The group composed exclusively of supervisory police officers;

c. The group composed of all members of Fort Wayne Fire Department.

7. The term "exclusive representative" shall mean the labor organization selected by the majority of police officers and fire fighters in an appropriate unit to represent them as to wages, hours of employment, fringe benefits and working conditions.

8. The term "Strike" shall mean any group action or refusal to act, which results in any interference with normal activity of the department, such as, but not limited to willful absence from one's position, sick in, or stoppage of work or abstinance or interference in whole, or in part from the full, faithful and proper performance of duties of employment without the lawful approval of the City.

SECTION 4. The police officers and fire fighters of the City all have the right to bargain collectively with the City and to be represented by such labor organization as selected by the majority of police officers and fire fighters in an appropppriate unit with respect to factors. The unit shall be recognized as the exclusive representative, unless and until such recognition is withdrawn by a vote of majority of police officers and fire fighters in the unit. All elections shall be by secret ballot.

SECTION 5. Dues Deduction: The City shall, upon written receipt of the authorization of a police officer or a fire fighter, deduct from the pay of that employee any fee designated or certified by the appropriate officer of an employees' organization, and shall remit those fees to the employees' organization.

SECTION 6. (a) It shall be the obligation of the City to meet and bargain in good faith with the representative or representatives of the bargaining unit within five (5) days after receipt of written request for a meeting for collective bargaining purposes. Notices for collective bargaining shall be given to the City by service upon the Controller of the City of Fort Wayne and to the presiding officer of the City Council. The obligation to bargain in good faith shall include the duty to cause any agreement, resulting from such negotiations, to be reduced to writing. A contract may also contain a grievance procedure culminating in final and binding arbitration on unresolved grievances, but such binding arbitration shall have no power to amend, add to subtract from or supplement provisions of the contract. PROVIDED, HOWEVER, that the term of any such contract in writing shall not exceed three (3) years.

(b) The person(s) designated by the Mayor to represent the City are hereby authorized to conduct all negotiations. Persons so designated shall not be elected government officials.

(c) The Mayor shall meet with the Common Council prior to negotiations to gain suggestions from the members of Council as to items to be considered at the bargaining table. The Mayor shall inform the Common Council at regular intervals of the progress of negotiations.

SECTION 7. In the event that the bargaining unit and the City are unable, within thirty (30) days from and including the date of their first meeting, to reach an agreement on a contract, any and all unresolved issues shall be submitted to mediation and if need be arbitration. If the selection of a mediator cannot be agreed upon mutually, the Federal Mediation and Conciliation Service shall provide a mediator upon the request of either the City or the exclusive representative. If the bargaining unit representatives and the City, with the assistance of a mediator, are unable within twenty-five (25) days after the date of the first meeting with the mediator to reach an agreement on a contract, any unresolved issues must be submitted to arbitration.

SECTION 8. Within ten (10) days from the expiration date of the twenty-five (25) day period referred to in Section 7 hereof, the bargaining unit and the City shall begin the process of selecting one arbitrator from a list of seven (7) arbitrators (list with resumes of arbitrators will be provided by Federal Mediation and Conciliation Service) by alternately eliminating names until one arbitrator's name remains. Elimination procedure will be determined by drawing of lots and selection must be completed within (10) days from receipt of list from Federal Mediation and Conciliation Service. The arbitrator so selected shall be deemed the arbitrator.

SECTION 9. The arbitrator shall call a hearing to be held within ten (10) days after the date of his selection. The hearing shall be informal,

and the rules of evidence prevailing in judicial proceedings shall not be applicable. Any and all documentary evidence and other data deemed relevant by the arbitrator may be received in evidence. The arbitrator shall have the power to administer oaths, to require by subpoena the attendance and testimony of witnesses, the production of books, records and other evidence relative or pertinent to the issues presented to him for determination.

The hearing conducted by the arbitrator shall be concluded within twenty (20) days from the time of commencement, and within ten (10) days after the conclusion of the hearings the arbitrator shall make written findings and conclusions upon the issues presented, a copy of which shall be mailed or otherwise delivered to the bargaining unit and the City. The arbitrator's decision(s) shall be considered non-binding, unless the bargining unit and the City agree prior to arbitration that the decision (s) in certain areas shall be binding upon both parties. Decisions in regard to annual pay and monetary fringe benefits and hours of employment shall be subject to approval by the Common Council in accordance with statutory authority granted by IC 18-1-11-2.

SECTION 10. The arbitrator shall conduct the hearings and render his decision upon the basis of a prompt, peaceful and just settlement of all disputes and issues between the bargaining unit and the City with respect to factors. The matters, among other, to be given weight by the arbitrator in arriving at a decision shall include:

1. Comparison of factors in respect to Police Departments and Fire Departments with similar and like factors prevailing in not only the local area, but prevailing in other second class cities in Indiana.

2. The interest and welfare of the public.

3. Comparison of peculiarities of employment in regard to other trades or professions, in particular:

   a. Hazards of employment;
   b. Physical qualifications;
   c. Eductional qualifications;
   d. Mental qualifications;
   e. Job training and skills

4. Such other matters as the arbitrator may deem pertinent or relevant.

SECTION 11. Reasonable fees and necessary expenses of mediation and arbitration shall be borne equally by the bargaining unit and the City.

SECTION 12. Any agreements negotiated between the bargaining unit and the City either before, or within thirty (30) days after arbitration, shall

constitute the collective bargaining contract with respect to the police officers or firefighters and the City for the period stated therein; PROVIDED, HOWEVER, that such period shall not exceed three (3) years.

SECTION 13. Whenever the factors, as herein defined, or any other matters requiring the appropriation of money by the City are included as matters of collective bargaining conducted under the provision of this Ordinance, it shall be the obligation of the bargaining unit to serve written notice of request for collective bargaining in respect to factors on the City at least one hundred twenty (120) days before the last day on which money can be appropriated by the City to cover the contract period which is the subject of the collective bargaining procedure.

SECTION 14. If any provision of this Ordinance, or application thereof to any person or circumstances, is held unconstitutional or otherwise invalid, the remaining provisions of this Ordinance shall not be affected thereby.

SECTION 15. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 9-12-78 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-156-78 on the 12th day of September, 1978.

ATTEST: (SEAL)

Charles W. Westerman Samuel J. Talarico
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on

the 13th day of September, 1978, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 21 dayof September, 1978, at the hour of 2:00 o'clock P.M.,E.S.T.

Robert E. Armstrong
Mayor

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 12th day of September, 1978; that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 20th day of September, 1978

Charles W. Westerman
City Clerk